



Crl.O.P(MD).No.15185 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 12.04.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.15185 of 2021

and

Crl.M.P.(MD)No.8131 of 2021

Classic Knits India Private Limited,
Represented by Smt. S.Parvathavarthini,
S.F.No.240, Vagarai Village,
Thoppampatti (Block),
Palani Taluk,
Dindigul District – 624 613.

...Petitioner

Vs

The Employees Provident Fund Organization,
Rep. Through its Enforcement Officer,
District Office, M – 13 Division,
16-A, RMS Road,
Nagal Nagar,
Dindigul – 624 003.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records relating to the C.C.No.30 of 2018 on the file of the learned Judicial Magistrate, Palani and quash the same.

For Petitioner
For Respondent

: Mr.J.Senthil Kumarajah
: Mr.K.Murali Shankar

ORDER



CrI.O.P(MD).No.15185 of 2021

This petition is filed to quash the chargesheet in C.C.No.30 of 2018,

on the file of the learned Judicial Magistrate, Palani.

2.The allegation against the petitioner is that the petitioner has defaulted the Employees Provident Fund on 08.09.2017. The petitioner's establishment was inspected by the defacto complainant with prior intimation on 11.09.2017. The Inspector of EPFO visited the petitioner's establishment and requested them to produce the records such as attendance registers, salary registers in respect of all categories of employees in the establishment from January 2016 till August 2017. The records were not produced and that showcause notices dated 15.11.2017 and 07.12.2017 were issued and hence, a complaint was filed.

3.On the side of the petitioner, it is stated that the petitioner's establishment was under the Employees Provident Fund and No.TN/57559 was given to the establishment. On 08.09.2017 and on 11.09.2017, the defacto complainant visited the petitioner's establishment and he requested to produce the documents. The officials P.Ramesh Kumar requested the Inspector to give time to produce the records but the Inspector of Police issued a notice on 11.09.2017. In the mean time, HR Manager produced all the records for the period from January 2016 till March 2017 and assured to produce the other



Crl.O.P(MD).No.15185 of 2021

records within a period of three months.

WEB COPY

4.On the side of the petitioner, it is stated that due to some internal problem, the petitioner could not furnish the details within the time limit. On 15.11.2017 and 07.12.2017, show cause notices were issued without giving sufficient time. The respondent issued notices even after explaining existence of internal affairs in the establishment. The delay in producing the records from April 2017 till August 2017 is not with any motive. The delay was only due to administrative problems in the establishment and on 28.02.2018, all the records along with the apology note were submitted but the respondent filed a complaint before the learned Judicial Magistrate, Palani and issued summon to the petitioner to appear on 01.03.2018. The second accused who was the Managing Director filed the quash petition and the same was allowed on Crl.O.P.(MD)No.4862 of 2018 and the same was allowed on 18.10.2019. The same ground is applicable to the petitioner and prayed the case to be quashed.

5.On the side of the respondent, it is stated that the petitioner is a legal entity liable to be punished. Atleast fine is to be imposed. The petitioner failed to produce the records for inspection which is punishable under Section 76(3) of the Act. The petitioner admitted that there was a delay in submitting the



Crl.O.P(MD).No.15185 of 2021

relevant registers and prayed the petition to be dismissed.

WEB COPY

6.A perusal of the records reveals that the allegation against the petitioner is that there was delay in producing the registers from January 2016 till August 2017. The registers are only attendance registers and salary registers. The case against co accused was already quashed by this Court. The reasons for quashing of the case against the co accused is applicable to the case of the petitioner.

7.In view of the same, this Criminal Original Petition is allowed and the chargesheet in C.C.No.30 of 2018, on the file of the learned Judicial Magistrate, Palani is hereby quashed. Consequently, connected miscellaneous petition is closed.

12.04.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn



WEB COPY



Crl.O.P(MD).No.15185 of 2021

R. THARANI,J.

Mrn

Crl.O.P(MD).No.15185 of 2021

12.04.2023